

WASHINGTON COUNTY
PRIVATE SEWAGE DISPOSAL ORDINANCE

Washington County Health Department
177 South Washington Street
Nashville, IL 62263
(618) 327-3644

TABLE OF CONTENTS

Section

- I. Preamble
- II. Definitions
- III. Adoption by Reference
- IV. Permits
- V. Registration
- VI. Compliance and Performance
- VII. Septic System Requirements
- VIII. Issuance of Notice
- IX. Revocation of Registration
- X. Hearings
- XI. Penalty
- XII. Conflict of Ordinance, Effect of Partial Invalidity
- XIII. Effective Date

SECTION 1

PREAMBLE

The Washington County Board, in order to protect the health and safety of the people of Washington County and of the general public, is authorized and directed to promulgate rules and regulations establishing minimum standards governing the design, construction, installation, and operation of private sewage disposal systems. Such regulations shall establish such minimum standards as, in the judgment of the Washington County Board, will insure that the wastes discharged to the various private sewage disposal systems:

- a. Do not contaminate any drinking water supply.
- b. Are not accessible to insects, rodents, or other possible carriers of disease.
- c. Do not pollute or contaminate the waters of any bathing beach, lake, river, creek, pond, stream or other body of water.
- d. Do not give rise to a nuisance due to odor or unsightly appearance.
- e. Are not a health hazard by being readily accessible to children or animals because of a lack of adequate fencing or for other reasons.
- f. Will not violate any other laws or regulations governing control of water pollution or sewage disposal.

The Washington County Board is authorized to promulgate such additional regulations as are necessary in its judgment to carry out the provisions of this Ordinance.

Adopted 12/14/1999
Effective 12/14/1999

Amended 03/02/2006
Effective 06/13/2006

SECTION II **DEFINITIONS**

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

ADMINISTRATOR shall mean the person who has been designated by the Board of Health to administer the affairs of the Health Department.

APPLICANT shall mean any person who has properly and completely filled out an application for permit form requesting authorization to construct, alter, or extend a private sewage disposal system in Washington County, Illinois.

AUTHORIZED REPRESENTATIVE shall mean the legally designated Administrator or the Acting Administrator of the Washington County Health Department and shall include those persons designated by the Administrator or Acting Administrator to enforce the provisions of this Ordinance.

BOARD OF HEALTH shall mean the Washington County Board of Health or its Authorized Representative(s).

BOD5 shall mean the five day Biochemical Oxidation Demand—A standard test used in assessing the strength of Domestic Sewage as described in “Standard Methods for the Examination of Water and Wastewater,” 14th edition, American Public Health Association, American Water Works Association, American Water Pollution Control Federation, Washington, D.C., 1975.

DOMESTIC SEWAGE shall mean wastewater derived principally from dwellings, business or office buildings, institutions, food-service establishments, chemical toilets, and similar facilities.

HEALTH DEPARTMENT shall mean the Washington County Health Department, an agency of the Washington County Board of Health.

HOME OWNER shall mean a contract-for-deed buyer or a person who holds legal title to a residential structure which is to be used or is used for his/her personal single family residence.

HOME OWNER INSTALLED SYSTEM shall mean a private sewage disposal system installed by a home owner for his/her personal single family residence.

HUMAN WASTE shall mean undigested food and by-products of metabolism which are passed out of the human body.

MODIFY shall mean any change in the design or components of a private sewage disposal system requiring a permit herein defined.

PERMIT shall mean a written permit issued by the Board of Health or its authorized representative permitting the construction or operation of an individual sewage disposal system under this Ordinance.

PERSON shall mean any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, the State of Illinois or any Department thereof, or any other entity.

PERSONAL SINGLE FAMILY RESIDENCE shall mean any single family dwelling unit which is to be used or is being used by a home owner/applicant as his or her principle residence.

PERMIT shall mean a written permit issued by the Board of Health or its Authorized Representative permitting the construction, alteration or extension of a private sewage disposal system in accordance with the provisions of this ordinance.

POPULATION EQUIVALENT shall mean an average waste loading, equivalent to that amount of waste produced by one person which is defined as 100 gallons per day or that amount of waste containing 0.17 pounds BOD5.

PRIMARY SEWAGE TREATMENT DEVICE shall mean any component part of a private sewage disposal system that results in the removal of a substantial amount of the organic and inorganic settleable solids through the physical process of sedimentation only. A septic tank, primary sedimentation tank, settling chamber, or any similar treatment process or device shall for the purposes of this definition be deemed a primary sewage treatment device.

PRIVATE SEWAGE DISPOSAL SYSTEM shall mean any sewage handling or treatment facility receiving domestic sewage from less than 15 people or population equivalent and having a ground surface discharge or any sewage handling or treatment facility receiving domestic sewage and having no ground surface discharge.

PRIVATE SEWAGE DISPOSAL SYSTEM CONTRACTOR REGISTRATION shall mean an annual Registration Certificate issued by the Health Department to all private sewage disposal system installation contractors and pumpers engaged in the construction, installation, repairing, modifying or maintaining of private sewage disposal systems and pumping, hauling and disposal of sewage within the limits of Washington County.

PRIVATE SEWAGE DISPOSAL SYSTEM CONTRACTOR shall mean any person constructing, installing, repairing, modifying, or maintaining private sewage disposal systems.

PRIVATE SEWAGE DISPOSAL SYSTEM PUMPING CONTRACTOR shall mean any person who cleans or pumps wastes from a private sewage disposal system or hauls or disposes of wastes removed therefrom.

PRIVATE SEWAGE DISPOSAL SYSTEM LICENSE shall mean an annual license issued by the Illinois Department of Public Health to all private sewage disposal system installers and pumpers engaged in the installation or servicing of private sewage disposal systems within the State of Illinois.

PROPERTY shall mean all or part of a tract of land for which legal title has been recorded.

PROPERTY OWNER shall mean the person in whose name legal title to the real estate is recorded.

SEPTIC TANK MANUFACTURERS AND/OR AEROBIC TREATMENT UNIT DEALERS shall mean any person who manufactures, sells, offer for sale, or delivers septic tanks or aerobic treatment units in or into Washington County.

SEPTIC TANK MANUFACTURERS AND/OR AEROBIC TREATMENT UNIT DEALERS REGISTRATION shall mean an annual Registration Certificate issued by the Health Department to all septic tank manufacturers and /or aerobic treatment unit dealers engaged in the manufacture, sale, offer for sale, and delivery of septic tanks and/or aerobic treatment units.

WASTE shall mean either human waste or domestic sewage, or both.

WASTE LOADING shall mean the BOD₅, content, usually expressed in pounds person or population equivalent.

SECTION III **ADOPTION BY REFERENCE**

This Ordinance shall adopt by reference and shall be interpreted and enforced in accordance with provisions set forth in the current, unabridged form of the State of Illinois, Department of Public Health, "Private Sewage Disposal Licensing Act" found at 225 Illinois Compiled Statutes 225/1 et seq., and the "Private Sewage Disposal Code" found at 77 Ill. Adm. Code 905, and any subsequent amendments or revisions thereto, one copy of which shall be on file in the Office of the Washington County Clerk. This Ordinance shall control with respect to any difference between it and these incorporated provisions.

SECTION IV

PERMITS

(1) It shall be unlawful for any person to construct, alter or extend private sewage disposal systems within Washington County unless he/she holds a valid permit issued by the Health Department stating the name of such person for which the specific construction, alteration or extension is proposed.

(2) All applications for permits granted under the provisions of this ordinance shall be made to the Board of Health or its duly Authorized Representative. Sufficient data shall be included to allow review and to determine whether the proposal application for permit meets the requirements of this Ordinance.

(3) A permit shall only be issued to a private disposal system contractor who holds a valid private sewage installation contractor's Registration Certificate or a home owner installing a private sewage disposal system to serve his/her own personal single family residence.

(4) Permit application forms provided by the Health Department shall be completed and signed by each applicant and shall include the following:

(a) Name, address and telephone number of the applicant, the signature of the private sewage disposal contractor when applicable and the location and legal description of the proposed site of construction, alteration, or extension.

(b) Complete plan of the proposed disposal facility, with substantiating data, attesting to its compliance with the minimum standards of this Ordinance.

(c) Such other information as may be required by the Health Department to substantiate that the proposed construction, alteration, or extension complies with minimum standards of this Ordinance.

(5) The Board of Health or its Authorized Representative shall refuse to grant a permit for the construction of a private sewage disposal system where sanitary sewage systems are available. Such a sewage system shall be deemed available when a public sewer line is in place within any street, alley, right of way, or easement that adjoins or abuts the premises for which the permit is requested, or when the improvement to be served is located within a reasonable distance of a public sewer to which a connection is practical and is permitted by the controlling authority for the sewer. A reasonable distance for the purpose of the provision shall be deemed to be not greater than 300 feet for a single family residence and not greater than 1,000 feet for a commercial establishment, subdivision or multi-family dwelling. A connection is practical when it can be completed using customary sewer lines. The need to annex an improvement other than a single family residence to the municipality in order to connect to the municipal sanitary sewer system does not make the municipal sanitary sewer system unavailable within the meaning of this section.

(6) The Board of Health or its Authorized Representative shall act upon all applications within fifteen (15) days of receipt thereof.

(7) All permits to construct, alter, or extend a private sewage disposal system shall be valid for a period of one (1) year from date of issuance. If construction is not completed within this period, the permit is void.

(8) There shall be a permit fee charged for the issuance of a permit authorizing the construction, alteration or extension of any private sewage disposal system. The fee shall be collected by the Health Department at the time an application for permit is submitted, and shall be deposited in the Health Department fund. The fee schedule shall be as approved by the Board of Health.

SECTION V

REGISTRATION

(1) Annual contractor registration shall be required for all private sewage disposal system installation contractors and all private sewage disposal pumping contractors operating within the limits of Washington County. Annual Registration Certificates shall be issued by the Health Department only to those individuals possessing a valid Illinois Department of Public Health Private Sewage Disposal System Installation and/or Pumping Contractor's License. There shall be no fee for said certificate. All Registration Certificates shall expire December 31st of the year in which they were issued, except those issued in December will expire December 31st of the following year. Any home owner, who chooses to construct, install, repair, modify or maintain the system serving his own personal single family residence, is exempt from this registration.

(2) Annual Septic Tank Manufacturer and/or Aerobic Treatment Unit Dealer Registration Certificate shall be obtained by all persons who wish to manufacture, sell, offer for sale, deliver or provide maintenance service for septic tanks or aerobic treatment units in or into Washington County. The Health Department shall issue this Registration Certificate only to applicants who have approval to manufacture and sell septic tanks and/or aerobic units for the Illinois Department of Public Health. There shall be no fee for said certificate. All Registration Certificates shall expire December 31st of the year in which they were issued, except those issued in December will expire December 31st of the following year.

(3) All persons who hold a Septic Tank Manufacturer and/or Aerobic Treatment Unit Registration Certificate shall be required, if requested, to notify the Health Department, in writing, the date of delivery or sale of a septic tank or aerobic treatment unit of the following information:

(a) Name of purchaser

- (b) Location of delivery
- (c) Date of sale and delivery
- (d) Size of septic tank or make and model of aerobic treatment unit

SECTION VI

COMPLIANCE AND PERFORMANCE

(1) All private sewage disposal systems within the limits of Washington County shall be constructed, installed, modified, maintained and serviced by persons with a valid private sewage disposal system installation contractor's Registration Certificate. All such systems shall be pumped, cleaned, and the contents hauled and disposed of by persons with a valid private sewage disposal system pumping contractor's registration certificate; provided, however, that a home owner may install or service a private sewage disposal system which serves his/her own personal single family residence.

(2) All septic tanks and/or aerobic treatment units manufactured, sold, offered for sale, or delivered in Washington County shall comply with provisions in this Ordinance.

(3) It shall be unlawful to discharge untreated sewage or effluent from any septic tank and/or aerobic treatment unit directly or indirectly to any stream, ditch, ground surface, sink hole or abandoned well, or to allow the contents of any privy vault, septic tank, aerobic treatment unit or any component(s) of any private sewage disposal system to emit offensive odors, or become objectionable, dangerous or prejudicial to the public health.

(4) In circumstances where existing systems necessitate repair or replacement due to malfunction, such repair or replacement shall be in conformance with this Ordinance to the extent which lot size, soil conditions, topography and other unalterable constraints will allow.

(5) The Board of Health or its Authorized Representative is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance.

(6) The Health Department shall have the authority, subject to constitutional limitations, by its representatives after identification, to enter at reasonable times upon private or public property for the purpose of inspecting and investigation conditions relating to the administration and enforcement of this Ordinance and the Private Sewage Disposal Code.

(7) The home owner or private sewage disposal system contractor responsible for the installation, construction, alternation or extension of any private sewage disposal system shall notify the Health Department no later than **48 hours** before the date the actual installation, construction, alteration, or extension work is scheduled to begin.

(8) If any private sewage disposal system installation contractor or home owner who installs a private sewage disposal system shall backfill any portion of the said system and/or cover the same with earth, cinders, gravel, sand or any other material which will prevent the same from being readily viewed to determine if the system meets all requirements of the Ordinance before receipt of approval by the Health Department, the Health Department may give fifteen (15) days notice in writing to such private sewage disposal system contractor or home owner so violating the provision of the Ordinance, to uncover such backfilled or covered portions of the system.

(9) At the end of such fifteen (15) days, if no approval for an extension has been granted, and if the private sewage disposal system contractor or home owner shall not have uncovered the private sewage disposal system, the permit is automatically invalidated and penalty action may be taken. The Health Department may elect to have the system uncovered at the expense of the private sewage disposal system contractor or homeowner. Failure of the home owner to pay such costs within 30 days shall result in execution of a lien against the property.

SECTION VII

SEPTIC SYSTEM REQUIREMENTS

(1) The minimum lot size for a residential structure requiring a private sewage disposal system shall be **one (1) acre** in size excluding easements. A greater area may be required for such lots if, in the opinion of the Health Department, there are other factors of drainage, soil conditions, or other conditions which may cause potential health problems. Lots platted and on record before the effective date of this Code, will be given special consideration when applying for a permit. A smaller area may be requested if there are extenuating circumstances or if a community sewage collection system is proposed. A variance may be granted if, in the opinion of the Health Department, it is impractical or impossible to comply with the Code and an approved system can be installed and no potential health hazards will exist. However, the area shall be large enough to provide for a second private sewage disposal system of a size and type equivalent to the minimum system approved for the lot.

(2) An effluent reduction system equal to 100 square feet of absorption area per bedroom shall be installed after a surface discharging aeration unit if the effluent from the system:

- (a) will be leaving the property or
- (b) will create a nuisance condition or
- (c) the discharge is to a body of water (state, county or township roadside ditch, waterway, creek, lake). This shall not apply to a discharge to a pond or lake that is privately owned by the person whom the system is serving

SECTION VIII

ISSUANCE OF NOTICE

(1) Whenever the Health Department determines that a violation of any provision of this Ordinance has occurred, the Health Department shall give notice to the person responsible for such violation. This notice shall be in writing and include a statement of the reasons for issuance of the notice. The notice will allow reasonable time as determined by the Health Department for performance of any act required. The notice to be served upon the person responsible for the violations(s) will contain an outline of remedial action which is required to effect compliance with this Ordinance.

(2) It shall not be a prerequisite to enforcement of the penalty provisions of this Ordinance that the Health Department first resort to the notice procedure set forth in this section if it is deemed a public health threat.

SECTION IX

REVOCATION OF REGISTRATION

For serious or repeated violation of any of the requirements of this Ordinance, the private sewage disposal installation and/or pumping contractor registration certificate may be revoked after an opportunity for a hearing has been provided by the Health Department. Prior to such action, the Health Department shall notify the contractor in writing, stating the reasons for which the Registration Certificate is subject to revocation and advising that the certificate shall be revoked at the end of five days following service of such notice, unless a request for a hearing is filed with the Health Department, by the holder, within such 5-day period. A Registration Certificate may be suspended for cause pending its revocation or a hearing relative thereto where a clear and present danger to the public health is preliminarily found to exist by the Health Department.

SECTION X

HEARINGS

(1) Any person affected by any order or notice issued by the Health Department in connection with the enforcement of any section of this Ordinance, may file in the office of the Health Department a written request for a hearing before the Administrator. The Administrator shall hold a hearing at a time and place designated by him/her within thirty (30) days from the date on which the written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than five (5) days prior to the date on which the hearing is to be held. If, as a result of the hearing, the Administrator finds that strict compliance with the order or notice would cause undue hardship on the petitioner, and that the public health would be adequately protected and substantial justice done by varying or withdrawing the order or notice, the Administrator may modify or withdraw the order or notice and as a condition for such action may,

where he/she deems it necessary, make requirements which are additional to those prescribed in this Ordinance for the purpose of properly protection the public health. The Administrator shall render a decision within ten (10) days after the date of the hearing which shall be reduced to writing and placed on file in the office of the Health Department as a matter of public record. Any person aggrieved by the decision of the Administrator may seek relief therefrom through a hearing before the Board of Health.

(2) Any person aggrieved by the decision of the Administrator rendered as the result of a hearing held in accordance with this section may file in the office of the Health Department a written request for a hearing before the Board of Health at a time and place designated by the secretary of the Board of Health within thirty (30) days of the date on which the written request was filed. For the purpose of this section the Board of Health shall mean a simple majority of the Washington County Board of Health. The petitioner for the hearing shall be notified of the time and place of the hearing not less than five (5) days prior to the date on which the hearing is to be held. If, as a result of facts elicited as a result of the hearing, the Board of Health finds that strict compliance with the decision of the Administrator would cause undue hardship on the petitioner, and that the public health would be adequately protected and substantial justice done by granting a variance from the decision of the Administrator or Acting Administrator, the Board of Health may grant a variance and as a condition for such variance, may, where it deems necessary, make requirements which are additional to those prescribed by this Ordinance, all for the purpose of properly protecting the public health. The Board of health shall render a decision within ten (10) days after the date of the hearing which shall be reduced to writing and placed on file in the office of the Health Department and a copy thereof shall be served on the petitioner personally or by delivery to the petitioner by certified mail.

SECTION XI

PENALTY

(1) Any person found guilty of violation any provision of this Ordinance shall be guilty of a Class A misdemeanor and fined a sum of not less than \$100.00 an not more than \$500.00. Each day's violation shall constitute a separate offense.

(2) The State's Attorney of Washington County shall bring such actions in the name of the people of the state of Illinois or may bring action for an injunction to restrain such violation or to enjoin the operation of any such establishment causing such violation. All monies collected from fines under this Ordinance shall be deposited to the Washington County Health Department fund.

SECTION XII
CONFLICT OF ORDINANCE
EFFECT OF PARTIAL INVALIDITY

(1) In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance, or code of Washington County existing on the effective date of this Ordinance, the provision which, in the judgment of the Administrator establishes the higher standard for the promotion and protection of the health and safety of the people, shall prevail. In any case where a provision of this Ordinance which establishes a lower standard for the promotion and protection of the health and safety of the people, the provision of this Ordinance shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Ordinance.

(2) If any section, subsection, paragraph, sentence, clause or phase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect and, to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION XIII
EFFECTIVE DATE

Under the authority of the Washington County Board, the following Ordinance is hereby adopted. This Ordinance shall pertain to the issuance of permits, the registration of contractors and septic tank and aerobic treatment unit manufacturers, the construction, installation, repairing, modifying or maintaining of private sewage disposal systems and the cleaning, hauling and disposal of waste from private sewage disposal systems within the County of Washington, in the State of Illinois.

This Amended Ordinance is hereby adopted and shall be effective the ____ day of _____.

WASHINGTON COUNTY BOARD

David Meyer, Chairman
Washington County Board

Thomas Ganz, Secretary
Washington County Board

Passed this ____ day of _____